

REMARKS

Each independent claim was amended by withdrawing the amendments introduced in our previous reply of September 23, 2008. Claims 9 and 12 were amended by incorporating the feature of claim 11, and claim 13 was amended by incorporating the feature of claim 14.

Reconsideration of the holding that the subject matter of claim 11 is obvious in view of the combined teachings of Caroli and Corio is respectfully requested.

Caroli discloses a WDM add/drop node for use in an optical telecommunications network, but fails to disclose the feature of running sources for generating the n-channel signals at maximum power.

The technical field section of Corio makes it clear where Corio's invention is applicable: "The invention relates generally to laser beam modulation, and more particularly to such laser beam modulation used in laser writing/printing devices." It is clear that Corio's disclosure has nothing to do with optical telecommunications networks.

A person of ordinary skill in the art would not modify the teaching of Caroli with the teaching of Corio, because Corio's disclosure is not related to the field of optical telecommunications networks. Lasers for printers are relatively crude compared with those used in optical telecommunications networks, and especially in wavelength division multiplexing. The optical wavelength stability of a laser for a printer is not as critical as those in WDM. Also, the optical frequency of the lasers used for printers may not match well the characteristics of fibers. For these reasons, the skilled person would not combine these two disclosures.

In any event, even if one were to try and combine the teachings of Caroli and Corio, the resulting solution would *still* not be that defined in the amended independent claims 9, 12 and 13. Corio discloses a signal source with two lasers: Fig. 2 and Fig. 3. Laser 12 operates at a

maximum power, and laser 10 operates at a minimum power (i.e., just above noise threshold), as described at col. 2, lines 22 - 25.

If the whole apparatus disclosed by Corio (i.e., elements 10, 12, 18 and 20 with connecting fibers) is considered as the “signal source” for the add/drop node of Caroli, then it is clear that said signal source does *not* operate at maximum power, because laser 10 operates at the minimum, and not at the maximum, power setting. This means that there is still some (substantial) power that is not used. The skilled person would not further modify the teaching of Corio by running both lasers at maximum power, because Corio teaches away from that. Corio clearly states that, in order for his invention to work (i.e., to increase the dynamic range -- col. 2, lines 43-44), then the two lasers must work in this way -- one at the maximum, and the other at the minimum, power setting.

If the Examiner were to argue that only one branch of Corio’s solution could be used to modify the teaching of Caroli, then it is respectfully submitted that the skilled person would not try that, because one can benefit from Corio’s solution *only* when there are two lasers operating together as described by Corio. Any assumption that one laser operating at a maximum power would be the signal source at the add path, and that the other laser would be the signal source operating on the through path, is not correct for at least the following two reasons.

Firstly, in the through path, the distances between repeaters or amplifiers tend to be as great as possible to reduce the cost of the network. Certainly, they would not be run at minimum power settings as this would reduce their range. Secondly, Corio’s solution requires control circuitry common for both lasers as illustrated in Fig. 3. This is not possible in the solution of Caroli as the sources at the add and through paths are run independently.

Finally, if the Examiner were to contend that only the laser 12 is the optical source run at maximum power that would be used by the skilled person to modify the teaching of Caroli, then the applicants note that the benefits of Corio's solution (i.e., improved dynamic range) can only be achieved when this laser is implemented in an apparatus as defined in Corio's invention. By clearly describing the benefits of the two-laser solution shown in Fig. 2 over the known solutions with one laser as described in the background section, Corio provided a strong teaching *away from* using just one laser.

Therefore, applicants believe that the claims as amended are novel and not obvious, and that the application is now in order for allowance.

Petition is hereby made for a two-month extension of the period to respond to the outstanding Official Action to May 3, 2009. A check in the amount of \$490.00, as the Petition fee, is enclosed herewith. If there are any additional charges, or any overpayment, in connection with the filing of this response, the Commissioner is hereby authorized to charge any such deficiency, or credit any such overpayment, to Deposit Account No. 11-1145.

Wherefore, a favorable action is earnestly solicited.

Respectfully submitted,

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